

48A C.J.S. Judges § 113

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

V. Discipline, Suspension, or Removal

C. Grounds

§ 113. Criminal conduct

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges 11\(4\)](#)

Conviction for a misdemeanor or a felony may warrant the discipline or removal of a judge.

Conviction of a criminal offense,¹ either a misdemeanor,² or a felony,³ may warrant the discipline or removal of a judge. Discipline of a judge against whom an indictment is filed charging a felony may require an application of the totality of the circumstances standard with each case being decided on its own facts, and among the factors to be considered are the nature of the crime charged; its relation or lack thereof to the duties of the judge; impact on the administration of justice; harm to public confidence in the judiciary; and any other circumstances relevant to the conduct in question.⁴

Under some provisions, it may not be necessary that the conviction be within the state, a conviction in another state being sufficient;⁵ but it may be sufficient that there is a conviction in a federal court⁶ within the state.⁷

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Footnotes

¹ Ohio—[Disciplinary Counsel v. Russo](#), 124 Ohio St. 3d 437, 2010-Ohio-605, 923 N.E.2d 144 (2010).

S.C.—[In re Koulpasis](#), 376 S.C. 496, 657 S.E.2d 759 (2008).

² Fla.—[In re Gloeckner](#), 626 So. 2d 188 (Fla. 1993).

Pa.—[In re Eagen](#), 814 A.2d 304 (Pa. Ct. Jud. Discipline 2002).

3 Ariz.—[Matter of Marquardt](#), 161 Ariz. 206, 778 P.2d 241 (1989).

4 Ky.—[Cornett v. Judicial Retirement and Removal Commission](#), 625 S.W.2d 564 (Ky. 1981).

5 Ohio—[Disciplinary Counsel v. McAuliffe](#), 121 Ohio St. 3d 315, 2009-Ohio-1151, 903 N.E.2d 1209 (2009).

6 Pa.—[In re Toole](#), 26 A.3d 581 (Pa. Ct. Jud. Discipline 2011).

7 Pa.—[In re Larsen](#), 655 A.2d 239 (Pa. Ct. Jud. Discipline 1994).

Ind.—[State v. Redman](#), 183 Ind. 332, 109 N.E. 184 (1915).

Pa.—[In re Greenberg](#), 442 Pa. 411, 280 A.2d 370 (1971).

Ind.—[State v. Redman](#), 183 Ind. 332, 109 N.E. 184 (1915).